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11 Attorneys for Defendant
12 SIMMONS BEDDING COMPANY
and Defendant and Counterclaimant
13 DREAMWELL, LTD.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 ZINUS, INC., a California corporation,
Plaintiff,

v.

18 SIMMONS BEDDING COMPANY, a
19 Delaware corporation, and DREAMWELL,
LTD., a limited liability company of
Nevada,

Defendants.

20 DREAMWELL, LTD., a limited liability
company of Nevada,

Counterclaimant,

v.

21 ZINUS, INC., a California corporation,
22 Counterclaim Defendant.

Case No.: 07-CV-03012 PVT

**STIPULATION OF DISMISSAL
WITH PREJUDICE PURSUANT
TO F. R. CIV. P. 41(A)(1) AND**

[PROPOSED]

**ORDER DISMISSING ACTION
WITH PREJUDICE**

The Honorable Patricia V. Trumbull

23 Plaintiff and counterclaim defendant ZINUS, INC., defendant SIMMONS BEDDING
COMPANY, and defendant and counterclaimant DREAMWELL, LTD., through their
24 counsel of record, hereby stipulate and move that this entire action, including all claims and

1 counterclaims, be dismissed with prejudice pursuant to F. R. Civ. P. 41(a)(1) and the terms of
2 the parties' April 21, 2008 Settlement Agreement. Each party shall bear its own attorneys'
3 fees and costs.

4 IT IS SO STIPULATED.

5 Dated: April 25, 2008

IMPERIUM PATENT WORKS

6
7 By: _____/s/
Darien K. Wallace

8
9 Attorneys for plaintiff and counterclaim
defendant ZINUS, INC.

10 Dated: April 25, 2008

PERKINS COIE LLP

11
12 By: _____/s/
Kenneth B. Wilson

13
14 Attorneys for defendant SIMMONS
BEDDING COMPANY and defendant
15 and counterclaimant DREAMWELL, LTD.

16 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

17 I, Darien K. Wallace, hereby attest that concurrence in the filing of this document has
18 been obtained from the other signatory.

19 I declare under penalty of perjury under the laws of the United States of America that
20 the foregoing is true and correct. Executed on April 25, 2008 in Brentwood, California.

21 _____/s/
22 Darien K. Wallace

23
24 The case set forth above, having been noticed for dismissal by stipulation of both
25 parties, is hereby dismissed with prejudice.

26
27 Dated: April ___, 2008

28 _____
Hon. Patricia V. Trumbull
United States Magistrate Judge

STIPULATION OF DISMISSAL WITH
PREJUDICE AND [PROPOSED] ORDER

Case No. 07-CV-03012 PVT